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E-Filing

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO**

13 In re:

14 CONE ENGINEERING CONTRACTORS,
15 INC., a California Corporation,

16
17 Reorganized Debtor.
18

Civil No. CV 05-02137 PJH

Bankruptcy Case No. 02-45803 J11

Chapter 11 Proceeding

**STIPULATION EXTENDING TIME
TO FILE BRIEFS; [~~PROPOSED~~]
ORDER THEREON**

19
20 This Stipulation is entered into by and between Reorganized Debtor Cone
21 Engineering Contractors, Inc. ("Appellant") and Claimant State Compensation Insurance
22 Fund ("Appellee"), and is made with reference to the following facts and circumstances:
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1 1. On May 4, 2005 the United States Bankruptcy Court for the Northern District of
2 California entered its order denying Appellant's objections to the claims filed by Appellee in
3 Appellant's bankruptcy case ("Order"), and a memorandum in support of the Order entitled
4 "Decision: Debtor's Objections to Amended Claims Nos. 168 and 172 Filed By State Compensation
5 Insurance Fund" (the "Memorandum").

6 2. On or about May 13, 2005, Appellant filed its Notice of Appeal Re Order
7 Overruling Debtor's Objections To Amended Claims Nos. 168 And 172 Filed By State
8 Compensation Insurance Fund, along with its Statement Of Election Pursuant To 28 U.S.C.
9 Section 158(C) Of The Notice Of Appeal Re Order Overruling Debtor's Objections To
10 Amended Claims Nos. 168 And 172 Filed By State Compensation Insurance Fund.

11 3. Both Appellant and Appellee have filed their respective Statements of Issues
12 and Designation of Documents to be Included in the Record on Appeal.

13 4. On June 13, 2005, this Court filed its Notice of Briefing. Pursuant to the
14 Notice of Briefing, Appellant's brief should have been filed and served on July 13, 2005,
15 which date triggers the filing date for the Appellee's brief and Appellant's reply brief.

16 5. On July 13, 2005, Appellant filed the Stipulation Extending Time to File
17 Briefs; [Proposed] Order Thereon.

18 6. On July 14, 2005, the Court entered the Order on the Stipulation Extending
19 Time to File Briefs. The Order granted a two-week extension through and including July 27,
20 2005.

21 7. Appellant and Appellee are engaged in negotiations to settle the issues raised
22 by the appeal, and, in order to obtain time sufficient to conclude such negotiations, desire to
23 extend, for a period of two weeks, all of the dates associated with the Notice of Briefing.

24 **NOW THEREFORE**, based upon the foregoing recitals, and for good and valuable
25 consideration, the receipt and sufficiency of which are acknowledged by the parties, and the
26 parties intending to be legally bound hereby, the parties hereby stipulate and agree as
27 follows:
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1 A. The time within which Appellant must file and serve its brief is extended
2 to and including August 10, 2005.

3 B. Appellee's brief shall be filed and served twenty (20) days after service
4 of Appellant's brief.

5 C. Appellant's reply brief, if any, shall be filed and served ten (10) days
6 after service of Appellee's brief.

7 D. No notice or appearance shall be necessary to effectuate the foregoing.

8 DATED: July 27, 2005

**WINTHROP COUCHOT
PROFESSIONAL CORPORATION**

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12 By: /s/
13 Marc. J. Winthrop
14 Robert E. Opera
15 Attorneys for Cone Engineering Contractors,
16 Inc., Appellant

17 DATED: July 27, 2005

**STATE COMPENSATION INSURANCE
FUND**

18
19 By: /s/
20 James E. Armstrong
21 Attorney for State Compensation Insurance
22 Fund, Appellee

23 **O R D E R**

24 Based upon the foregoing stipulation of the parties, **IT IS SO ORDERED.**

25
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27 DATED: Aug. 1, 2005

28 By: [Signature]
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Paul S. Tu, declare as follows:

I am employed in the County of Orange, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 660 Newport Center Drive, 4th Floor, Newport Beach, California 92660, in said County and State.

On July 27, 2005 I served the following document: **STIPULATION EXTENDING TIME TO FILE BRIEFS; ORDER THEREON** on each of the interested parties:

<u>Reorganized Debtor</u> Roger Cone, President Cone Engineering Contractors, Inc. 4 Crow Canyon Court, Suite 100 San Ramon, CA 94583	Office of the United States Trustee Attention: Andrew Velez-Rivera, Esq. 1301 Clay Street, Suite 690N Oakland, CA 94612-5217
State Compensation Insurance Fund James E. Armstrong, Esq. 1275 Market Street San Francisco, CA 94103	

by the following means of service:

<input checked="" type="checkbox"/>	BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. Under that practice it would be deposited with the U.S. Postal Service on that same date with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
<input checked="" type="checkbox"/>	I am employed in the office of Winthrop Couchot Professional Corporation, Robert E. Opera, is a member of the bar of this court.
<input checked="" type="checkbox"/>	(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2005

/s/
PAUL S. TU

 Initials